



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

October 4, 2012

VIA FEDERAL EXPRESS: 529286514335

William B. Rogers, President and CEO  
The Trust for Public Land  
101 Montgomery Street, Suite 900  
San Francisco, CA 94104

Re: Information Request Letter Related to Stringfellow Superfund Site

Dear Mr. Rogers:

The United States Environmental Protection Agency ("EPA") is spending public funds to investigate and respond to actual or threatened releases of hazardous substances, pollutants, and contaminants into the soil and groundwater from the Stringfellow Superfund Site (the "Site") in Riverside County, California. This letter seeks your cooperation in providing information and documents that The Trust for Public Land ("TPL") may have pertaining to certain real property that is located in Riverside County, CA. The term "Site" as used herein refers to the properties in or near Pyrite Canyon that surround the former Stringfellow hazardous waste disposal area.

As part of its ongoing investigation of the Site, EPA is seeking to identify activities and parties that have or may have contributed to contamination at the Site. EPA believes that TPL may have information that will assist the EPA in its investigation, especially with regard to perchlorate releases. EPA requests that TPL answer the questions contained in Enclosure B. Definitions and instructions on how to respond to the questions are provided in Enclosure A.

Under Section 104(e) of Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §9604(e), EPA has broad information-gathering authority that allows EPA to require persons to furnish information or documents relating to:

- (a) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (b) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (c) Information relating to the ability of a person to pay for or perform a cleanup.

Please note that TPL's compliance with this information request is mandatory. Failure to respond fully and truthfully may result in an enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. §9604(e)(5). This statutory provision authorizes EPA to seek the imposition of penalties of up to \$37,500 per day of noncompliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. §1001. The information TPL provides may be used by EPA in administrative, civil, or criminal proceedings.

Some of the information EPA is requesting may be considered by TPL to be confidential. Please be aware that TPL may not withhold information upon that basis. If TPL wishes EPA to treat the information confidentially, it must advise EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting its claim for confidentiality.

This request for information is not subject to review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §§3502(3), 3507, 3512, and 3518(c)(1). See also, 5 C.F.R. §§1320.3(c), 1320.4, and 1320.6(a).

We encourage TPL to give this matter its immediate attention and request that it provide a complete and truthful response to this information request within thirty (30) calendar days of its receipt of this letter. EPA is committed to moving forward with its investigation, and extensions of time for responses will only be granted upon a showing of good cause and for no more than 30 days. If TPL anticipates that it will need an extension, please request one as soon as possible. Requests for extensions made at or near the due date will not be viewed favorably by EPA. TPL's response to this letter should be made in writing and signed by you or a duly authorized representative of TPL. If some or all of the requested information has previously been provided to EPA, TPL may incorporate that information by referencing the date of the earlier response and the information contained therein that is responsive to the current information request.

TPL's response should include the appropriate name, address, and telephone number of the person to whom EPA should direct future correspondence in regard to this information request.

TPL's response to the information request should be directed to:

Keith Olinger, Enforcement Office (SFD-7-5)  
U.S. EPA, Region 9  
75 Hawthorne St.  
San Francisco, CA 94105

If TPL has any questions regarding this letter, please contact Keith Olinger at (415) 972-3125 or [olinger.keith@epa.gov](mailto:olinger.keith@epa.gov). Questions regarding the Site's cleanup status should be directed to the Remedial Project Manager, Julie Santiago-Ocasio, at (415) 972-3525 or [santiago-ocasio.carmen@epa.gov](mailto:santiago-ocasio.carmen@epa.gov). Questions regarding legal matters can be directed to Andrew Helmlinger at (415) 972-3904 or [helmlinger.andrew@epa.gov](mailto:helmlinger.andrew@epa.gov). Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Kathi Moore". The signature is written in a cursive, flowing style.

Kathi Moore, Manager  
Case Development Cost Recovery Section  
Superfund Division

Enclosures (2):

- Attachment A (Instructions and Definitions)
- Attachment B (Information Request)

## ENCLOSURE A: INSTRUCTIONS AND DEFINITIONS

### Instructions:

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this information request. For each question contained in this letter, if information responsive to this information request is not in TPL's possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. When answering the questions in Enclosure B, please precede each answer with the corresponding number of the question and subpart to which it responds.
3. Number Each Document. For each document produced in response to this information request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
4. Provide the Best Information Available. Provide responses to the best of TPL's ability, even if the information sought was never put down in writing or if the written documents are no longer available. TPL should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available will be considered non-compliance with this information request.
5. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that TPL relied on in producing its answer.
6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this information request become known or available to TPL after it responds to this information request, EPA hereby requests pursuant to CERCLA Section 104(e) that TPL supplement its response to EPA.
7. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of TPL, its attorneys and consultants or any of their agents, consultants or employees.
8. Confidential Information. The information requested herein must be provided even though TPL may contend that it includes confidential information or trade secrets. TPL may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b). If TPL makes a claim of confidentiality for any of the information it submits to EPA, it must prove that claim. For each document or response TPL claims as confidential, it must separately address the following points:
  - (a) Clearly identify the portions of the information alleged to be entitled to confidential treatment;
  - (b) Identify the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);

- (c) Identify measures taken by TPL to guard against the undesired disclosure of the information to others;
- (d) Explain the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- (e) Provide pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- (f) State whether TPL asserts that disclosure of the information would likely result in substantial harmful effects to TPL's competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.
- (g) To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. TPL should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit TPL's response so that all nonconfidential information, including any redacted versions of documents, are in one envelope and all materials for which TPL desires confidential treatment are in another envelope.
- (h) All confidentiality claims are subject to EPA verification. It is important that TPL satisfactorily show that it has taken reasonable measures to protect the confidentiality of the information and that it intends to continue to do so, and that the information is not and has not been obtainable by legitimate means without TPL's consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to TPL.

9. Disclosure to EPA's Authorized Representatives. Information that TPL submits in response to this information request may be disclosed by EPA to authorized representatives of the United States pursuant to 40 C.F.R. § 2.310(h) even if TPL asserts that all or part of it is confidential business information. The authorized representatives of EPA to which EPA may disclose information contained in TPL's response are as follows:

GRB Environmental Services, Inc.  
EPA Contract Number EPR90603

Department of Toxic Substances Control/California  
Environmental Protection Agency

Toeroek & Associates, Inc.  
EPA Contract Number BPA-11-W-001

CH2M Hill, Inc.  
EPA RAC Contract Number EP-S9-08-04

SAIC (subcontractor under Toeroek & Associates, Inc.)  
EPA Contract Number BPA-11-W-001

Any subsequent additions or changes in EPA contractors who may have access to TPL's response to this information request will be published in the Federal Register.

This information may be made available to these authorized representatives of EPA for any of the following reasons: to assist with document handling, inventory, and indexing; or to assist with document review and analysis for verification of completeness; or to provide expert technical review of the contents of the response. Pursuant to 40 C.F.R. § 2.310(h), TPL may submit comments on EPA's potential disclosure of any confidential information to its authorized representatives within the thirty (30) calendar day period in which the response is due.

10. Objections to Questions. If TPL has objections to some or all of the questions contained in the information request, it is still required to respond to each of the questions.

Definitions Applicable to Enclosure B, Information Request:

1. Any reference to "TPL" means The Trust for Public Land, and should be interpreted to include, but not be limited to, all officers, managers, employees, contractors, assigns, agents, trustees, predecessors, successors, subsidiaries, operating divisions, affiliates and branches.
2. The term "person" shall include any individual, firm, corporation, unincorporated association, partnership, consortium, trust, joint venture, State, municipality, commission, or political subdivision of a State.
3. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid or sludge.
4. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
5. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
6. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.

7. The term “pollutant or contaminant” shall have the same definition as that contained in Section 101(33) of CERCLA and include any mixtures of such pollutants and contaminants with any other substance including petroleum products.
8. The term “materials” shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site including, but not limited to, all hazardous substances, pollutants or contaminants.
9. The term “documents” includes any written, recorded, computer generated, or visually or aurally reproduced material of any kind in any medium in TPL’s possession, custody, or control or known by it to exist, including originals, all prior drafts, and all non-identical copies.

## **ENCLOSURE B: INFORMATION REQUEST**

The County of Riverside, CA (the “County”) has provided to EPA a copy of a grant deed recorded on November 2, 2001 that conveys 3 parcels of real property located in Riverside County, CA, and identified as assessor parcel numbers (“APNs”) 173-170-001, 173-170-003 and 173-170-014 (the “Property”), from TDY Industries, Inc. to the County (the “Deed”). Attached as Exhibit C to the Deed is an Environmental Indemnity Agreement dated October 4, 2001, between TDY Industries, Inc. (formerly known as, Teledyne Industries, Inc.) as “Seller” and TPL as “Buyer” of the Property.

1. State the full legal name, address, telephone number, position(s) held by, and tenure of the individuals answering any of the questions below on behalf of TPL.
2. Explain TPL’s role in the County’s 2001 purchase of the Property, and provide copies of all due diligence reports and property transfer assessments which relate to the 2001 purchase of the Property.
3. In particular, please provide complete copies of the following two documents, including all attachments thereto, which are referenced in the Environmental Indemnity Agreement:
  - a. Phase I Environmental Site Assessment and Geophysical Survey of the Property dated October 31, 2000 and February 2001, prepared by Snyder Consulting; and
  - b. Agreement of Purchase and Sale for the Property dated May 1, 2000, between TPL as Buyer and TDY Industries, Inc. as Seller.
4. Identify the time period during which TPL owned or was involved with the Property, and provide copies of all title and other documentation (except the Deed) which evidences TPL’s ownership of, or involvement with, the Property.
5. Describe the present uses for the Property. Provide a scaled map of the Property, including the locations of significant buildings, equipment, storage locations or bunkers, and geographical features.
6. To the best of TPL’s knowledge, identify any prior operators, occupants, and owners of the Property. Provide the time period of each party’s operations and/or ownership, and describe the type of operations each conducted at the Property.
7. Information provided to EPA indicates that TDY Industries, Inc. (formerly known as, Teledyne Industries, Inc.) and/or its affiliated companies (collectively, “Teledyne”) previously operated at the Property from at least 1965 to 1971 as an ordnance manufacturer. To the best of TPL’s knowledge, provide the following information:
  - a. A detailed description of the types of operations conducted by Teledyne at the Property;
  - b. All documentation in TPL’s possession that describes or relates to Teledyne’s operations and ownership of the Property, including maps showing the locations of Teledyne’s



operations, all chemical and waste storage areas, and the areas where the testing of any rocket fuels, propellants or explosives was conducted; and

- c. If Teledyne operated outside of the Property, as previously defined, a description of the location of these operations, the type of operations conducted in this area, and maps showing the locations of Teledyne's operations in this area.
8. State whether any fuels, propellants, explosives or other substances or devices that were used by Teledyne or other former operators were stored at the Property after their operations ceased, and whether any bunkers, magazines or other storage locations remain at the Property. Indicate on a map the current storage locations of these substances and devices.
9. Please identify all leaks, spills, or other releases into the environment of any hazardous substances or pollutants or contaminants that have occurred at or from the Property. In addition, identify and provide supporting documentation of:
  - a. The date each release occurred;
  - b. The cause of each release;
  - c. The amount of each hazardous substance, waste, or pollutant or contaminant released during each release;
  - d. Where each release occurred and what areas were impacted by the release; and
  - e. Any and all activities undertaken in response to each release, including the notification of any other local, state, or federal government agencies about the release.
10. Provide complete copies of all sampling and investigation reports for the Property that contain the laboratory or field analyses of the soil quality and water quality of the aquifers, mine water, surface water, groundwater, tailing pond discharges and receiving streams.
11. State, to the best of TPL's knowledge, whether there has been any remediation of the Property, and if so, provide documentation describing the remediation activities.
12. The Environmental Indemnity Agreement reads that TDY Industries, Inc. and TPL "acknowledge that there may exist on and under the Property certain environmentally hazardous conditions and/or substances, including, without limitation, soil and groundwater contamination." Describe what TPL knew about the potential for soil and groundwater contamination at the Property. Identify the types of contaminants, the source(s) of the contamination, and any specific areas where such contamination was suspected. Provide copies of all documentation and correspondence which form the basis for the belief that soils and groundwater underlying the Property may be contaminated.



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October 12, 2012

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William B. Rogers, President & CEO  
The Trust for Public Land  
101 Montgomery Street  
Suite 900  
SAN FRANCISCO, CA 94104 US

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